



# NEW INDY CONTAINER BOARD

## CATAWBA, SC

RA BRIEFING

JANUARY 20, 2022



# NEW INDY CONTAINER BOARD CATAWBA, SC

## Agenda

- Overview
- Background
- Legal Framework
- Communications
- Next Steps

# OVERVIEW

- April 8, 2021: Due to odors and public health complaints, SC DHEC requested EPA assistance
- April 15, 2021: Region 4 performed an initial Clean Air Act inspection
- April 26 – 27, 2021: Region 4 performed Clean Air Act and Clean Water Act inspections with the assistance of the Geospatial Measurement of Air Pollution (GMAP) vehicle
- May 13, 2021:
  - CAA Section 303 Emergency Order issued
  - CAA Section 114 required 1 year community-based monitoring
  - SEMD established community-based monitoring
- June 29, 2021: New Indy established community-based monitoring pursuant to CAA Section 114
- June 30, 2021: SEMD withdrew community-based monitors and SC DHEC deployed community-based monitors
- Negotiated Proposed Consent Decree to resolve Imminent and Substantial Endangerment

## BACKGROUND

- **December 2018** – New Indy purchased the facility from Resolute Forest Products
- **July 2019** - SC DHEC issued an air permit to convert from bleach paper to unbleached paper operation
  - Switched “white paper” production to “brown paper” production to manufacture cardboard
- **May 2020** – SC DHEC issued an air permit to change the air regulation compliance option (shut down the steam stripper to use biological treatment in the aeration stabilization basin)
- **September 2020** – facility shutdown to switch from bleach paper to unbleached paper operation and shutdown steam stripper
- **November 2020** – facility restarted at low production rate
- **February 2021** – facility increased to higher production rate



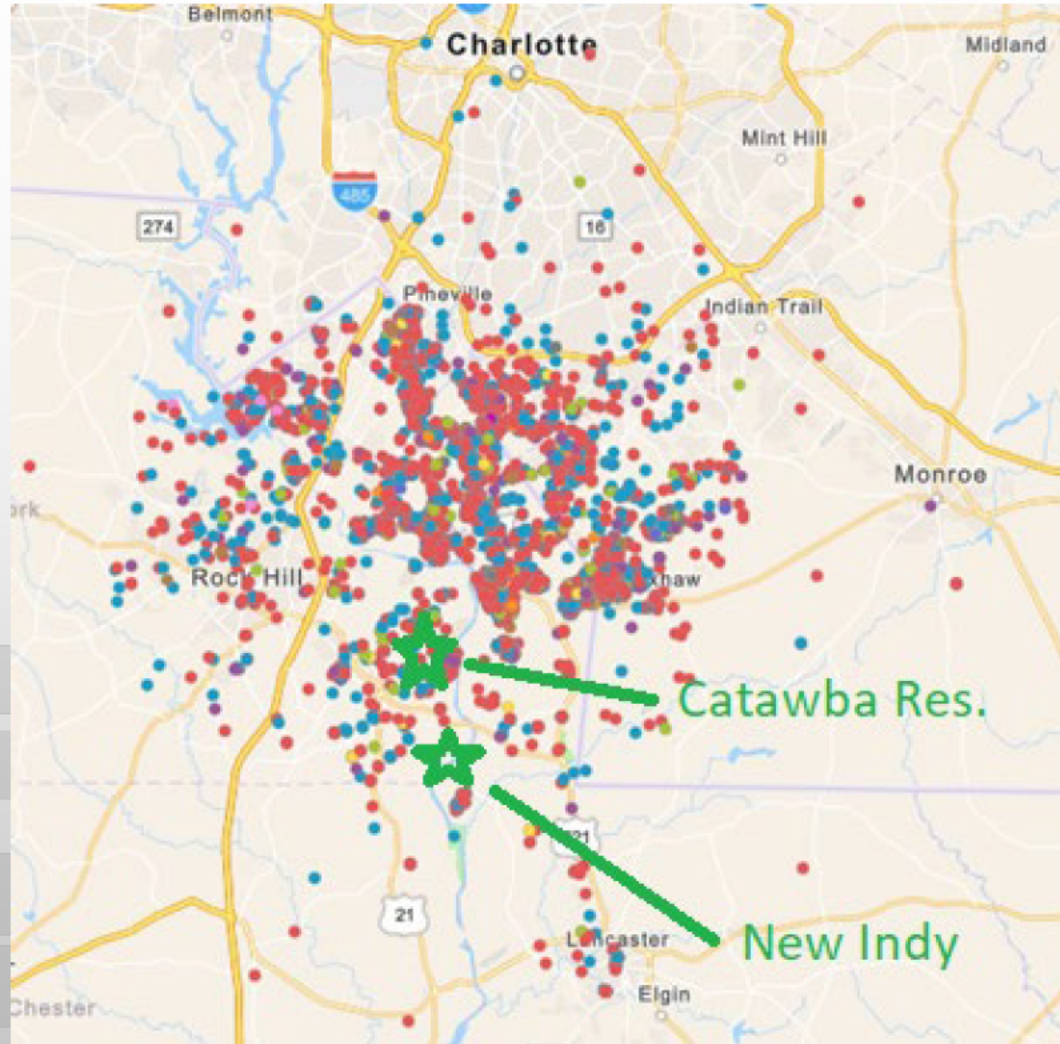
# BACKGROUND (CONTINUED)

## CITIZEN COMPLAINTS

- SC DHEC and the EPA began receiving citizen complaints by the thousands, more than 13,000 by March 12, 2021, shortly after the facility restarted
- The total complaints recorded by SC DHEC and EPA as of January 7, 2022, was over 42,000
- Common complaints include experiencing a terrible rotten egg smell, nausea, and irritated eyes and throat

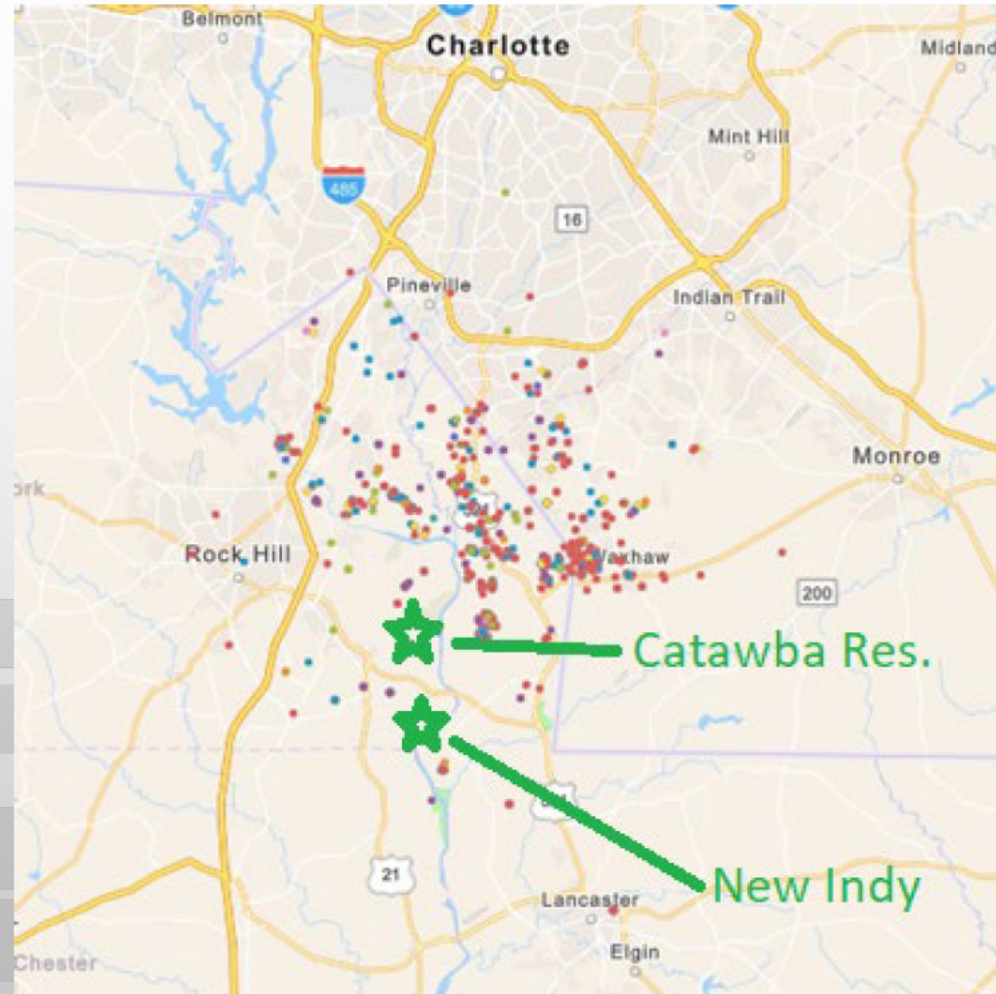
# BACKGROUND (CONTINUED)

## APRIL 2021 COMPLAINT MAP



# BACKGROUND (CONTINUED)

OCTOBER 2021 COMPLAINT MAP

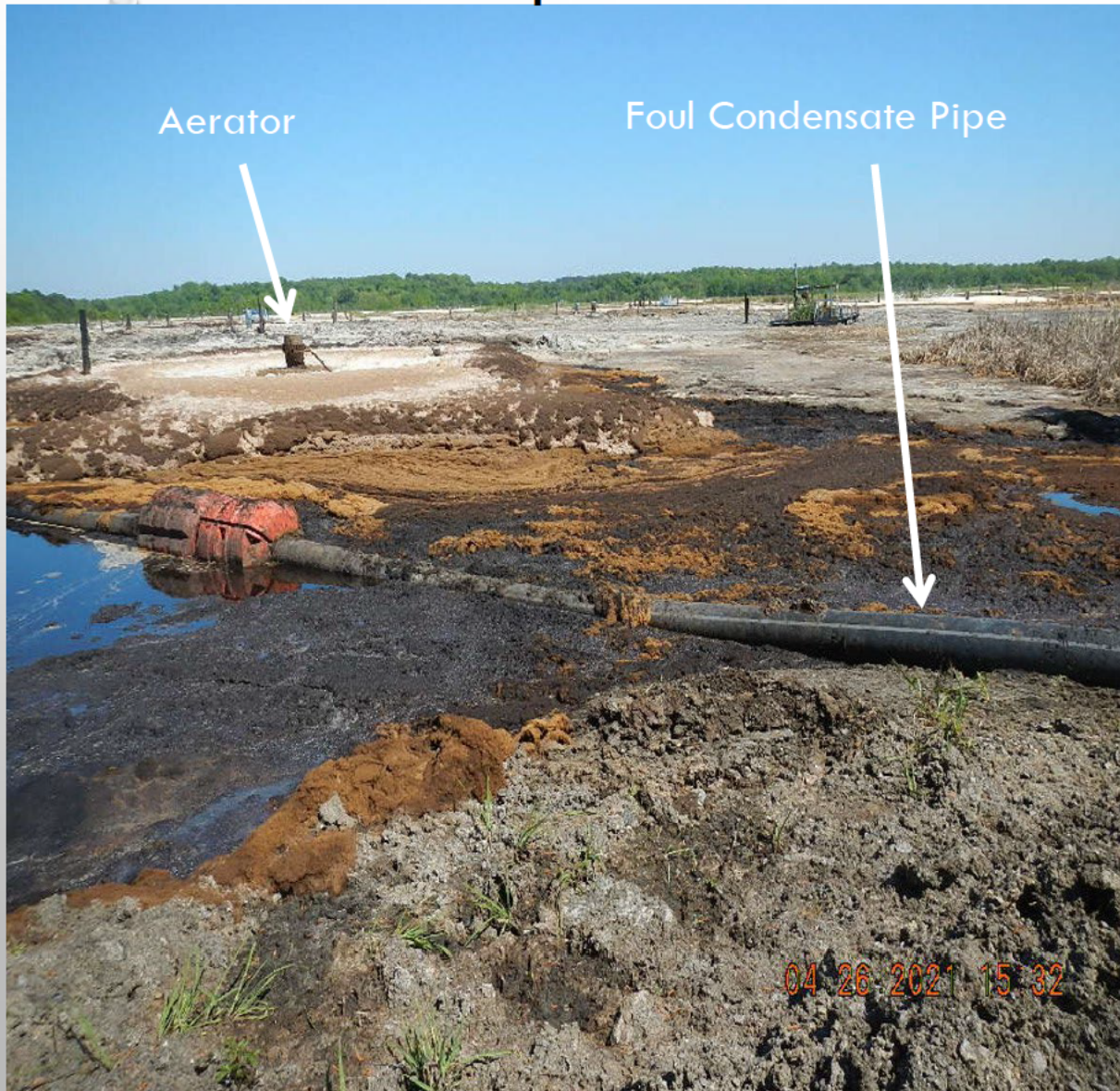




# BACKGROUND (CONTINUED)

## AERATION STABILIZATION BASIN (ASB)

**April 2021**



**September 2021**





# BACKGROUND (CONTINUED)

POST-AERATION TANK

**April 2021**

**September 2021**





# LEGAL FRAMEWORK



- CAA Section 303 Order issued on May 13, 2021
- CAA Section 303 Orders only last 60 Days
- On July 12, 2021, DOJ filed a complaint alleging ISE
- On July 13, the Court entered an Order staying the case and requiring New Indy to continue to operate without exceeding fence line limits
- On December 29, 2021, DOJ lodged the proposed Consent Decree
- On January 10, 2022, the federal register announced the opening of a 30-day public comment period on the Consent Decree.
- (b)(5)

## LEGAL FRAMEWORK (CONTINUED)



- At least two separate class actions have been filed against New Indy.
- Citizens involved in one of the class action lawsuits have also moved to intervene in EPA's CAA Section 303 civil action against New Indy.
- The court has not yet ruled on the motion to intervene.
- The citizen interveners argue that EPA should have required New Indy to do more, for example, monitor for other air pollutants and install more monitoring stations.



# COMMUNICATIONS

- Goal is to continue building trust.
- Engage more with the community through various means.
  - Responses to calls, emails and letters
  - Hybrid meeting
  - Should there be additional availability sessions for the community after the public comment period closes?
- Briefings for elected officials on a regular basis.
- Maximizing our suite of tools



## NEXT STEPS

- Region 4 consultation with Catawba Indian Nation on January 14, 2022, re: proposed Consent Decree and process
- Region 4 will host a public meeting on January 25, 2022, to receive public comments on the Consent Decree
- (b)(5) [REDACTED]  
[REDACTED]
- Evaluate and determine the facility's compliance status with CAA requirements